

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14513, of the Jonathan Woodner Company, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio requirements (Paragraph 5301.11) and the rear yard requirements (Sub-section 5301.1) to construct an addition to an existing structure in a C-5 District at premises 1109 Pennsylvania Avenue, N.W., (Square 322, Lots 802, 810 and 811).

HEARING DATE: December 10, 1986
DECISION DATE: December 10, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the northwest corner of 11th Street and Pennsylvania Avenue, N.W. at premises known as 1101 Pennsylvania Avenue, N.W. It is in the C-5 Pennsylvania Avenue Development (PAD) District.

2. The site is presently improved with the original ten-story Evening Star Building and Annex. The Evening Star Building is a District of Columbia Category III Landmark. The original Evening Star Building was built in 1898. Adjoining the building to the north is an annex built in 1920. The Annex was designed to serve the office and printing plant needs of the Evening Star newspaper and is slated for demolition as a part of this project. On the remainder of the site, at premises 1107 and 1109 Pennsylvania Avenue, N.W., are located a pair of two-story commercial store front buildings. These buildings have been acquired through the condemnation procedures of the Pennsylvania Avenue Development Corporation (PADC) and are slated for demolition to effectuate the proposed addition to the Evening Star complex.

3. The subject property was before the Board in 1983 under Order No. 13924. In that application, the applicant requested variance relief from the rear yard, closed court, and loading berth requirements of the Zoning Regulations. The applicant sought to renovate both the Evening Star Building and the Annex and construct an addition. That project was not able to proceed forward and the BZA approval lapsed. Due to renovation difficulties, including the need to supplement the foundations of the Evening Star Building, the deteriorated conditions of the Annex footings, economic feasibility, and the applicant's desire to do a quality job on such a significant building at such a significant

location, that particular proposal was finally rejected. In order to ensure the renovation of the Evening Star Building to the highest possible standards, the project was reevaluated and the present proposal was developed.

4. The site is within the boundaries of the Congressionally-mandated Pennsylvania Avenue Development Corporation. Accordingly, the site comes under the design review of the PADC.

5. The site also falls within the boundaries of the Pennsylvania Avenue National Historic Site and is listed in the National Register of Historic Places. The State Historic Preservation Officer of the District of Columbia has determined that the Evening Star Building contributes to the character of the Historic District.

6. The site is of an irregular, angular shape.

7. The subject square also contains the Presidential Building, at 415 12th Street, N.W., to the west of the property and the garage entrance to Presidential Building off 11th Street, N.W. to the north. Immediately north of the garage entrance, and facing E Street, is the Harrington Hotel.

8. Directly across 11th Street from the Evening Star Building, at 1001 Pennsylvania Avenue, N.W., is the Cadillac Fairview project. To the south of the Evening Star Building, across Pennsylvania Avenue, is the recently renovated Old Post Office Building.

9. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking area variances to renovate and construct an addition to the structure. The applicant is not able to meet the requirements of the Zoning Regulations related to rear yard (Sub-section 5303.1) and floor area ratio (Paragraph 5301.11) for the proposed renovation of and addition to the Evening Star Building. The applicant seeks variances from these two requirements.

10. The addition will consist of 192,141.55 square feet, for a project total of 240,536.55 square feet.

11. The applicant is the designated developer approved by the Board of the PADC to undertake a redevelopment scheme on the subject site in accordance with the PADC Plan for Square 322.

12. The proposed addition will be compatible with the building envelope called for in the PADC plan.

13. The project has the approval of the PADC Board of Directors.

14. The applicant is undertaking the rehabilitation and restoration of the original Evening Star Building in accordance with the "Standards for Rehabilitating Historic Buildings" of the Secretary of the Interior.

15. The project has the conceptional approval of the Commission of Fine Arts.

16. The applicant's real estate appraiser testified that significant additional costs due to the steps necessary to renovate the original Evening Star Building consistent with the PADC plan and the Secretary of the Interior Standards, constitute an exceptional situation or condition affecting the property. The Board concurs.

17. The existing Evening Star Annex is presently nonconforming as to rear yard.

18. The mandated setback requirements of the Pennsylvania Avenue Development Corporation plan make provision of a rear yard infeasible. The site is confined in area, and already encumbered by the existence of the original Evening Star Building, and further constrained by the raking angle of the property line.

19. The Evening Star Annex which is built face-on the property line at the rear, northern boundary of the site, abuts the entrance to the parking garage of the Presidential Building. The garage structure is 40 feet in width. To the north of the garage entrance is the Hotel Harrington. The garage is a two-story structure with no windows or skylights. The new construction will be in the area previously occupied by the annex.

20. The architect and the real estate appraiser testified that the additional costs necessary to preserve the Evening Star Building, and associated design changes, were substantial compared to the construction of a new building on vacant land. These additional costs represent a practical difficulty to the applicant which can only be mitigated through an increase in FAR. The Board so finds.

21. The addition will contribute to the revitalization of Pennsylvania Avenue.

22. By report dated December 3, 1986, and by testimony presented at the public hearing, the Office of Planning recommended approval of the application. The Office of Planning noted that the Board, in Order No. 13924, had previously considered and granted the rear yard variance. In terms of the FAR variance, the Office of Planning determined that due to the extraordinary or exceptional conditions by virtue of the irregular lot shape, the existence of a historic structure, and the existence of

constraints imposed by the design guidelines of the PADC and further restrictions adhering to rehabilitation of the historic structure imposed by the Secretary of the Interior by virtue of the site lying within the Pennsylvania Avenue Historic Site, the variance was necessary.

23. By report dated December 3, 1986, Advisory Neighborhood Commission (ANC) 2C reported its support for the application. The ANC recognized that the subject property is unique in shape and within the Pennsylvania Avenue National Historic Site. The PADC Guidelines do not provide for a rear yard for this site. The ANC recognizes that to ensure the effective renovation of the Evening Star, additional FAR is necessary to ensure the project's economic viability. The ANC believes that the project will not adversely affect the neighborhood, but should actually enhance the area's viability and complement the continued revitalization of Pennsylvania Avenue.

24. By letter dated December 3, 1986, Dr. Laszlo N. Tauber, the owner of the adjacent Presidential Building at 415 12th Street, N.W., noted his support for the granting of this application.

25. By letter dated December 3, 1986, the Pennsylvania Avenue Development Corporation noted its support for the applicant.

26. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires proof of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan. The Board concludes that the applicant has met the burden of proof. Paragraph 5301.11 of the Zoning Regulations allows a floor area ratio of 10 or 213,260 square feet for the site. The addition will result in a structure of 240,536.55 square feet exceeding the allowed FAR by 27,276.55 square feet, or 12.79 percent. Sub-section 5303.1 requires a rear yard of 27.5 feet. The addition will provide no rear yard. The Board concludes that the site is subject to extraordinary or exceptional conditions by virtue of the irregular lot shape which is deeply angular, the existence of the historic Evening Star Building on the subject site, the existence of

constraints imposed by the design guidelines of the PADC and further restrictions adhering to rehabilitation of the certified historic structures imposed by the Secretary of the Interior by virtue of the subject site lying within the Pennsylvania Avenue National Historic Site District. The design constraints flowing from setback restrictions imposed by PADC and the historic preservation requirements create practical difficulties for the applicant in strictly complying with the applicable Zoning Regulations, in terms of the rear yard and floor area ratio requirements.

There will be no adverse impact on the neighborhood due to the requested variances. The proposed building is consistent with the plans of PADC for Square 322. The proposed building will result in no adverse impact due to loss of light or air. Additionally, the proposed building will have substantial benefits for the neighborhood and the city through continued revitalization of Pennsylvania Avenue.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the zoning plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

Accordingly it is ORDERED that the application is hereby GRANTED SUBJECT to the CONDITION that construction shall be in accordance with plan marked as Exhibit No. 22 of the record.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, and Carrie L. thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JAN 30 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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